

Senate Engrossed House Bill

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 239

# **HOUSE BILL 2343**

AN ACT

AMENDING SECTION 44-334, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-340; RELATING TO UNCLAIMED PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-334, Arizona Revised Statutes, is amended to  
3 read:

4 44-334. Basis for evaluating employee performance

5 A. The department shall establish procedures to monitor the  
6 performance of department employees AND CONTINGENT FEE CONTRACT AUDITORS that  
7 include, if applicable, using evaluations obtained from holders.

8 B. The department shall not evaluate an employee on the basis of  
9 unclaimed property demanded or collected by that employee.

10 C. THE DEPARTMENT SHALL DEVELOP METRICS TO EVALUATE THE ACCURACY OF  
11 UNCLAIMED PROPERTY AUDITOR RECOMMENDATIONS TO THE DEPARTMENT AND WHETHER SUCH  
12 RECOMMENDATIONS WERE NOT ACCEPTED OR APPROVED BY THE DEPARTMENT. THE OUTCOME  
13 OF THIS EVALUATION METRIC MAY BE TAKEN INTO CONSIDERATION WHEN DEVELOPING  
14 AUDIT ENGAGEMENTS ENTERED INTO ON OR AFTER THE EFFECTIVE DATE OF THIS ACT.

15 Sec. 2. Title 44, chapter 3, article 1, Arizona Revised Statutes, is  
16 amended by adding section 44-340, to read:

17 44-340. Auditor contingency contracts; notice of rights

18 AUDITS FOR ENFORCEMENT OF THE PROVISIONS OF THIS ARTICLE, INCLUDING  
19 THOSE PERFORMED BY CONTINGENT FEE AUDITORS, SHALL PROVIDE HOLDERS OF  
20 UNCLAIMED PROPERTY A NOTICE OF RIGHTS. AT A MINIMUM, THE NOTICE SHALL  
21 INCLUDE:

22 1. A STATEMENT THAT THE DEPARTMENT MAKES ALL FINAL DECISIONS REGARDING  
23 RECOMMENDATIONS BY A CONTINGENT FEE AUDITOR THAT ANY UNCLAIMED PROPERTY IS  
24 REPORTABLE.

25 2. INFORMATION ON CORRECTIONS AND APPEALS PROCEDURES.

26 3. WHERE TO FILE COMPLAINTS OF IMPROPER, ABUSIVE OR INEFFICIENT  
27 SERVICE BY EMPLOYEES OR CONTINGENT FEE AUDITORS OF THE DEPARTMENT.

28 4. CONTACT INFORMATION OF THE DEPARTMENT'S DESIGNATED EMPLOYEES.

29 Sec. 3. Request for information

30 The department of revenue, in accordance with section 41-2555, Arizona  
31 Revised Statutes, shall issue a request for information by January 1, 2017,  
32 to explore the feasibility of contracting for audits relating to unclaimed  
33 property pursuant to title 44, chapter 3 that are not directly or indirectly  
34 contingent on the auditor recovering unclaimed property.

APPROVED BY THE GOVERNOR MAY 12, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.

Passed the House March 1, 20 16

by the following vote: 35 Ayes,

24 Nays, 1 Not Voting

2592  
Speaker of the House

☐ Pro Tempore

Jim Drake  
Chief Clerk of the House

Passed the Senate March 30, 2016

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

1534  
President of the Senate

Aaron Adames  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2343

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 6, 2016,

by the following vote: 40 Ayes,

16 Nays, 4 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2016,

at 1:10 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 12th day of

May, 2016,

at 9:54 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2343

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2016,

at 8:33 o'clock A M.

[Signature]  
Secretary of State